

EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHAEL ANNE ELROD, ANDREW KAUFMAN, and SARAH MARTIN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NO TAX 4 NASH, MICHELLE FOREMAN, and JOHN DOES 1-10,

Defendants.

BROOKS BRASFIELD, on behalf of himself and all others similarly situated,

Plaintiff,

v.

NO TAX 4 NASH, MICHELLE FOREMAN, and JOHN DOES 1-10,

Defendants.

Case No. 3:20-cv-00617

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY DEMANDED

Case No.: 3:20-cv-00618

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

DECLARATION OF ANDREW KAUFMAN

I, Andrew Kaufman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 21 years of age, am otherwise competent to testify, have personal knowledge of the matters contained in this declaration, and, if called as a witness, could and would testify competently to them.

2. I am a citizen of Tennessee, residing in Nashville, Tennessee.

3. On July 17, 2020, I filed in the U.S. District Court for the Middle District of Tennessee a putative class action seeking statutory damages and injunctive relief under the Telephone Consumer Protection Act (“TCPA”) on behalf of myself and all persons who received a call with a pre-recorded message to their cellular telephones from the phone number 615-348-5237, on July 16, 2020. On October 15, 2020, I joined other named Plaintiffs in filing an Amended Consolidated Complaint against NoTax4Nash and Michelle Foreman. On March 5, 2021, I joined these same Plaintiffs in filing a motion for leave to file a Second Amended Consolidated Complaint, which added Karen Moore as a named defendant.

4. The following statements are based on my personal knowledge.

5. The evening of July 16, 2020, I received a call with a pre-recorded message to my personal cellular phone from the telephone number 615-348-5237, which stated the following:

“Nashville voters if you would like to sign the recall petition for the mayor and council members who supported the 34% property tax increase we will be at all 11 polling locations on Friday and Saturday for early voting. If you have any questions find us on Facebook or go to our website NoTax4Nash.com. Have a wonderful evening and don't forget to vote paid for by NoTax4Nash.”

6. There was a significant delay after the call connected before the recorded message began. In addition, the voice tone and background noise on the call sounded prerecorded, as opposed to a live voice.

7. I did not give prior express written consent, in writing or otherwise, to NoTax4Nash, Michelle Foreman, Karen Moore, or anyone acting on their behalf to call my cellular telephone with the pre-recorded message.

8. I became aware through numerous complaints on the internet via social media and message boards that numerous individuals in and around the Nashville, Tennessee community


allegedly received a call to their cellular telephones with this same pre-recorded message the evening of July 16, 2020, without these individuals having given prior express consent.

9. I am ready and willing to dedicate the time and resources necessary to represent the interests of the class of entities and individuals who received a call with a pre-recorded message to their cellular telephones from the phone number 615-348-5237, on July 16, 2020. To this end, I have retained attorneys to file this federal lawsuit who I understand to have extensive experience in both TCPA and class action litigation.

10. To the best of my knowledge, I have no interests adverse to any other named Plaintiff or potential class member regarding the claims in this lawsuit.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: 03/06/2021



Andrew Kaufman